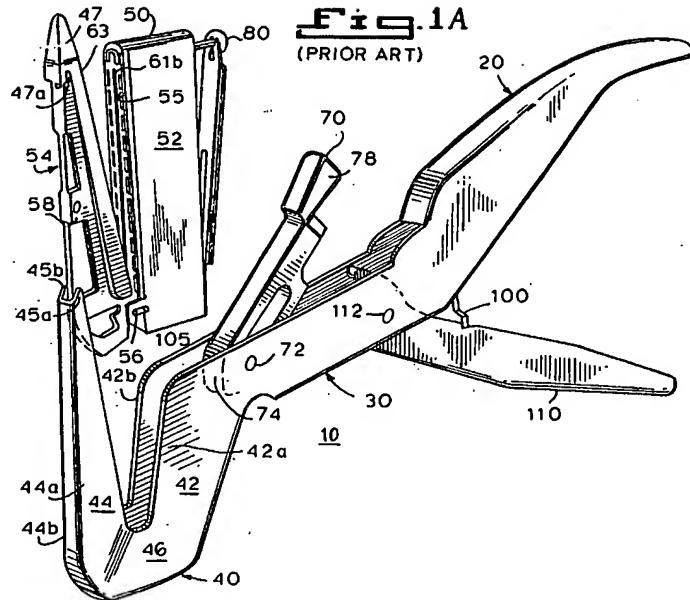


REMARKS

The above-referenced application has been reviewed in light of the Office Action mailed July 15, 2004. By the present Amendment, the Applicants have amended claim 1 and have added new claims 19-24. The Applicants previously canceled claims 2-18. It is respectfully submitted that the aforementioned claims are fully supported by the specification, introduce no new subject matter, and are patentable over the prior art. Prompt and favorable consideration of the claims as amended is respectfully requested.

The Office Action rejected claim 1 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,881,545 to Isaacs et al. In the Office Action, the Examiner states that Isaacs et al. disclose a surgical stapler including a frame with first and second ends, a body portion (30) defining a stationary handle (20), a trigger (110) pivotably secured to the body, a head portion (40) including an anvil assembly (54) with a plurality of staple pockets, a cartridge assembly (50), and a stiffener plate (44a, 44b). However, Isaacs et al. disclose a surgical stapling apparatus having an anvil support (54) wherein the anvil support (54) includes a surface (53) for forming staples and a retaining structure (58) that is adapted to be releasably retained by a pair of plates (44a, 44b) as shown in FIG. 1A that is reproduced hereinbelow and described in Column 3, lines 53-56.

As presently amended, claim 1 recites a surgical stapling device having, *inter alia*, an anvil assembly including "an anvil and a stiffener plate, the anvil including a plurality of staple forming pockets and defining a channel, the stiffener plate being configured to fit substantially within the channel."



In the Office Action, the Examiner asserted that the plates (44a, 44b) of Isaacs et al. are a stiffener plate. However, the plates (44a, 44b) described in the Office Action by the Examiner as defining a stiffener plate are actually portions of a leg (44) for releasably receiving the anvil support (54) as shown in FIG. 1A and discussed in Isaacs et al. in Column 3, lines 53-56. The plates (44a, 44b) are not configured to fit substantially within a channel defined by the anvil to provide added strength to the anvil assembly such as recited in amended claim 1. Thusly, Isaacs et al. do not disclose or suggest a surgical stapling device including "an anvil and a stiffener plate, the anvil including a plurality of staple forming pockets and defining a channel, the stiffener plate being configured to fit substantially within the channel" as recited in amended claim 1.

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It is respectfully submitted that amended claim 1 is neither anticipated nor suggested by Isaacs et al. and the rejection of the Office Action has been overcome. Since claims 19-24 depend directly or indirectly from amended claim 1, it is respectfully submitted that these claims are neither anticipated nor suggested by Isaacs et al. and the rejection of the Office Action is not applicable to these claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely claims 1 and 19-24, are in condition for allowance. Should the Examiner desire a telephonic interview to resolve any outstanding matters, he is sincerely invited to contact the undersigned at (631) 501-5713.

Respectfully submitted,



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